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Attorney for Defendant
TIG INSURANCE COMPANY
ERRONEOUSLY SUED HEREIN AS
TIG SPECIALTY INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AIU INSURANCE COMPANY, a New
York corporation,

Plaintiff,

vs.

ACCEPTANCE INSURANCE
COMPANY, a Delaware
corporation, TIG SPECIALTY
INSURANCE COMPANY, a
California corporation, ROYAL
INSURANCE COMPANY OF
AMERICA, a Delaware corporation,
AMERICAN SAFETY RISK
RETENTION GROUP, IND., a
Vermont corporation, and DOES 1
through 10, inclusive,

Defendants.

No. C 07-05491 PJH

**DEFENDANT TIG INSURANCE
COMPANY'S RESPONSE TO
PLAINTIFF AIU INSURANCE
COMPANY'S REQUEST FOR
PRODUCTION, SET ONE**

PROPOUNDING PARTY: PLAINTIFF AIU INSURANCE COMPANY

RESPONDING PARTY: DEFENDANT TIG INSURANCE COMPANY

SET NO.: ONE

1 Pursuant to Federal Rules of Civil Procedure Rule 34(b)(2) and Local
2 Rule 34-1, Defendant TIG INSURANCE COMPANY ("TIG") hereby responds to
3 Plaintiff AIU INSURANCE COMPANY'S ("AIU") Request for Production, Set
4 No. One.

5 **GENERAL OBJECTIONS**

6 1. TIG objects to each and every one of these demands to the extent
7 that they seek information or evidence that is neither relevant to the subject
8 matter of this action nor reasonably calculated to lead to the discovery of
9 admissible evidence.

10 2. TIG bases these responses on the assumption that, in
11 propounding these demands, AIU does not seek information protected
12 against discovery by: (a) the attorney-client privilege; (b) the work-product
13 doctrine; (c) constitutional and statutory rights of privacy; (d) the
14 confidentiality of statements made or conduct engaged in for settlement
15 purposes; (e) confidential trade secrets or other proprietary information
16 privileges; or (f) information that is not relevant to the subject matter of this
17 lawsuit and not reasonably calculated to lead to the discovery of admissible
18 evidence. To the extent that any or all of the demands, or any parts thereof,
19 could be construed to seek such information or evidence, TIG objects
20 thereto, and asserts the foregoing privileges and objections to the greatest
21 extent permitted by law. Furthermore, inadvertent disclosure of any such
22 information shall not constitute a waiver of any of these privileges and
23 objections nor of TIG's right to object to the use of any such information
24 during any subsequent proceeding.

25 3. TIG objects to each and every demand on the grounds that it has
26 not concluded its investigation of the facts relating to this case, formal
27 discovery, or preparation for trial. TIG reserves the right to produce evidence
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1 of any subsequently discovered fact or facts, to alter or amend its responses
2 set forth herein and otherwise to assert factual and legal contentions as
3 additional facts are ascertained, analyses are made, and legal research is
4 completed. TIG objects to each and every demand insofar as it may be
5 construed as limiting or restricting its right to rely upon any document or
6 information for any purpose whatsoever, including the use of documents or
7 information as evidence at any subsequent hearing, trial, or proceeding.

8 4. TIG objects to each and every one of these demands to the extent
9 that they seek information or material prepared in anticipation of litigation
10 or for trial of this or any matter.

11 5. Any objection by TIG asserted herein based on privacy is
12 asserted both on behalf of TIG and other persons or entities whose privacy
13 rights are affected.

14 6. TIG objects to each and every demand to the extent it seeks
15 information not in TIG's possession, custody, or control on the grounds that
16 it is unduly burdensome or oppressive.

17 7. TIG will make reasonable efforts to respond to each and every
18 demand, to the extent that no objection is made, as TIG understands and
19 interprets the demand. If AIU subsequently asserts an interpretation of any
20 demand that differs from that of TIG, TIG reserves the right to supplement
21 its objections and responses.

22 8. To the extent that any demand calls for information already in
23 the possession of AIU or its counsel, TIG objects on the grounds that the
24 demand is unnecessary and unduly burdensome and constitutes
25 annoyance, harassment, and oppression of TIG.

26 9. TIG reserves the right to use at trial or deposition, or in support
27 of or opposition to any motion, any and all writings heretofore or hereafter
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1 produced by parties to this action or by third persons. To the extent that TIG
2 identifies certain writings or delineates any facts, it does so without
3 prejudice to its right to establish at a later date any additional facts that
4 may be contained within or discovered as a result of any additional
5 investigation and discovery.

6 10. Inadvertent identification or production of privileged writings or
7 information by TIG is not a waiver of any applicable privilege. Production of
8 writings or information does not waive any objection, including but not
9 limited to relevancy, or to the admission of such writings in evidence.

10 **ALL RESPONSES ARE SUBJECT TO THE GENERAL OBJECTIONS**

11 Each of the general objections set forth above is hereby incorporated
12 by reference into each of the specific responses set forth below.
13 Notwithstanding the specific response to any of the demands below, TIG
14 does not waive any of the general objections made herein. Each of the
15 general objections is asserted as to each of these demands propounded by
16 AIU.

17 **RESPONSES**

18 **REQUEST FOR PRODUCTION NO. 1**

19 All DOCUMENTS identified by YOU (by document and/or category) in
20 YOUR initial disclosures (original and amended, if any) served in this matter.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1**

22 Subject to all General Objections set forth above, TIG responds that
23 any and all responsive documents have been identified, and that TIG will
24 produce all relevant and non-privileged portions of its claim files. TIG
25 further responds that the documents are voluminous. Therefore, they will be
26 made available for review by AIU and/or its counsel, upon reasonable notice
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1 to TIG, at TIG's corporate headquarters located at 250 Commercial Street,
2 #500, Manchester, New Hampshire.

3 **REQUEST FOR PRODUCTION NO. 2**

4 All DOCUMENTS constituting, evidencing, relating or referring to all
5 UNDERLYING CLAIMS.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2**

7 Subject to all General Objections set forth above, TIG responds that
8 any and all responsive documents have been identified, and that TIG will
9 produce all relevant and non-privileged portions of its claim files. TIG further
10 responds that the documents are voluminous. Therefore, they will be made
11 available for review by AIU and/or its counsel, upon reasonable notice to
12 TIG, at TIG's corporate headquarters located at 250 Commercial Street,
13 #500, Manchester, New Hampshire.

14 **REQUEST FOR PRODUCTION NO. 3**

15 All DOCUMENTS constituting, evidencing, relating or referring to each
16 claim identified on the LOSS RUN.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

18 Subject to all General Objections set forth above, TIG responds that any and
19 all responsive documents have been identified, and that TIG will produce all
20 relevant and non-privileged portions of its claim files. TIG further responds that
21 the documents are voluminous. Therefore, they will be made available for review by
22 AIU and/or its counsel, upon reasonable notice to TIG, at TIG's corporate
23 headquarters located at 250 Commercial Street, #500, Manchester, New
24 Hampshire.

25 **REQUEST FOR PRODUCTION NO. 4**

26 All DOCUMENTS constituting, evidencing, relating or referring to all
27 UNDERLYING CLAIMS for which RYLOCK sought defense and/or indemnity
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1 under the TIG POLICY(IES).

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

3 Subject to all General Objections set forth above, TIG responds that
4 any and all responsive documents are voluminous and TIG will produce all
5 relevant and non-privileged portions of its claim files. The files will be made
6 available for review by AIU and/or its counsel, upon reasonable notice to
7 TIG, at TIG's corporate headquarters located at 250 Commercial Street,
8 #500, Manchester, New Hampshire.

9 **REQUEST FOR PRODUCTION NO. 5**

10 All DOCUMENTS constituting, evidencing, relating or referring to all
11 UNDERLYING CLAIMS for which any entity sought defense and/or
12 indemnity as additional insured(s) of the TIG POLICY(IES).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

14 Subject to all General Objections set forth above, TIG objects to this
15 request as seeking information that constitutes trade secrets. TIG also
16 objects to this request in that it violates the rights of privacy of TIG's other
17 insureds. TIG also objects to this request as irrelevant. TIG will not produce
18 any documents in response to this request.

19 **REQUEST FOR PRODUCTION NO. 6**

20 All DOCUMENTS constituting, evidencing, relating or referring to all
21 payments made for defense under the TIG POLICY(IES).

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

23 Subject to all General Objections set forth above, TIG objects to this
24 request as irrelevant in that all payments made for defense under the TIG
25 POLICY(IES) are outside of the policy limits. Subject to all stated objections,
26 TIG responds that it will produce the requested information.

1 **REQUEST FOR PRODUCTION NO. 7**

2 All DOCUMENTS constituting, evidencing, relating or referring to all
3 payments made for indemnity under the TIG POLICY(IES).

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

5 Subject to all General Objections set forth above, TIG will produce the
6 requested information.

7 **REQUEST FOR PRODUCTION NO. 8**

8 The TIG POLICY(IES)

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

10 Subject to all General Objections set forth above, TIG objects to this
11 request as duplicative and unnecessary in that plaintiff attached copies of
12 all responsive TIG POLICY(IES) to their complaint in this matter. Subject to
13 the foregoing, TIG refers to its response to the following request.

14 **REQUEST FOR PRODUCTION NO. 9**

15 Certified copies of the TIG POLICY(IES)

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

17 Subject to all General Objections set forth above, TIG responds that it
18 will provide certified copies of its policies.

19
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21 DATED: May 28, 2008

LAW OFFICES OF SEMHA ALWAYS

22
23 By: 
24 Semha Always

25 Attorney for Defendant TIG INSURANCE
26 COMPANY ERRONEOUSLY SUED
27 HEREIN AS TIG SPECIALTY INSURANCE
28 COMPANY

REQUEST FOR JURY TRIAL

TIG hereby requests trial by jury.

LAW OFFICES OF SEMHA ALWAYA

By: *Semha Alwaya*
Semha Alwaya

Attorney for Defendant TIG INSURANCE
COMPANY ERRONEOUSLY SUED
HEREIN AS TIG SPECIALTY INSURANCE
COMPANY

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